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January 12, 2023

VIA ECF

The Honorable Victor Marrero
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

The Honorable Valerie Figueredo
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *International Code Council, Inc. v. UpCodes, Inc. et al. – Consolidated Case*
No. 1:17-cv-6261 and 1:22-cv-10815

Dear District Judge Marrero and Magistrate Judge Figueredo:

The parties submit this joint letter motion further to their status update of December 15, 2023 concerning the discovery schedule in the consolidated case No. 1:17-cv-6261 and the recently filed complaint by International Code Council, Inc. (“ICC”) against Defendants UpCodes Inc., Garrett Reynolds, and Scott Reynolds, 1:22-cv-10815, which has been referred to Judge Marrero as a possibly related case (the “Second Copyright Case”).

The parties jointly move that the related Second Copyright Case be consolidated for pretrial purposes with the 1:17-cv-6261 (the “First Copyright Case”) and 1:20-cv-4316 (the “False Advertising Case”), and that all filings in connection with the consolidated action be docketed against the lowest number, 1:17-cv-6261. The parties also jointly move to reset the scheduling order in the consolidated cases to allow time for the parties to conduct discovery on the false advertising claims in addition to the Second Copyright Case. The parties include below a proposed amended case schedule.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Kevin Fee', written over a horizontal line.

J. Kevin Fee



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Event	Deadline	Days Before Trial (for Pretrial Submissions)
Defendants' Response to Complaint in Second Copyright Case	February 10, 2023	
Opening of Fact Discovery in Second Copyright Case	February 17, 2023	
Substantial Completion of Document Production in False Advertising Case and Second Copyright Case	July 31, 2023	
Close of Fact Discovery in False Advertising Case and Second Copyright Case	November 17, 2023	
Opening Expert Reports from Party Bearing Burden of Proof in False Advertising Case and Second Copyright Case	February 2, 2024	
Rebuttal Expert Reports in False Advertising Case and Second Copyright Case	March 15, 2024	
Close of Expert Discovery in False Advertising Case and Second Copyright Case	May 3, 2024	
Motions for Summary Judgment in False Advertising Case and Second Copyright Case	June 21, 2024	
Oppositions to Motions for Summary Judgment in False Advertising Case and Second Copyright Case	July 19, 2024	
Replies in Support of Motions Summary Judgment in False Advertising Case and Second Copyright Case	August 2, 2024	
Parties to exchange * list of claims * contentions of fact	November 14, 2024 or 60 days after a decision on all dispositive	91 days before trial



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Event	Deadline	Days Before Trial (for Pretrial Submissions)
* witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict forms	motions, whichever is later ¹	
Parties to exchange objections to * witness lists * exhibit lists * deposition designations * proposed jury instructions * proposed verdict form	November 28, 2024	81 days before trial
Parties to complete meet and confer regarding list of claims and contentions of fact, and objections to * witness list * exhibit list * deposition designations * proposed jury instructions * proposed verdict form	December 9, 2024	70 days before trial
Parties to Confer to Attempt to Agree on Stipulations of Fact and Admissibility	December 13, 2024	66 days before trial
Motions in Limine	December 19, 2024	60 days before trial
Joint Pretrial Order	January 9, 2025	39 days before trial
Each Party's Pretrial Memorandum with Brief Discussion of the Issues to Be Tried and Authorities Relied Upon	January 9, 2025	39 days before trial
Joint Proposed Voir Dire	January 9, 2025	39 days before trial
Joint Proposed Request to Charge	January 9, 2025	39 days before trial
Joint List of Individuals, Companies and Other Entities that May Appear as	January 9, 2025	39 days before trial

¹ If after November 14, 2024, all subsequent dates will be pushed back to keep the same number of days before trial.



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Event	Deadline	Days Before Trial (for Pretrial Submissions)
Witnesses or Otherwise Be Referred to During Trial		
Joint Proposed Verdict Form	January 9, 2025	39 days before trial
Oppositions to Motions in Limine	January 9, 2025	39 days before trial
Reply Briefs on Motions in Limine	January 23, 2025	25 days before trial
Final Pretrial Conference	January 31, 2025	17 days before trial
Requests to Bring Computers into Courthouse	February 5, 2025	12 days before trial
Trial	February 17, 2025 (Estimated 20 days)	